

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID PAIVA

Plaintiff/Counter-Defendant

v.

THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK AS
TRUSTEE FOR THE CERTIFICATE
HOLDERS CWALT, INC.
ALTERNATIVE LOAN TRUST 2005-
48T1, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-48T1

Defendant/Counter-Plaintiff

C.A. No. 14-14531-ADB

AFFIDAVIT OF DAVID PAIVA

I, David Paiva, being duly sworn, depose and state as follows:

1. I am over 18 years of age competent to make this affidavit. All of the following statements are based on my personal knowledge.
2. I reside at 16R Seymour Street, Berkley, MA 02779.
3. I purchased the home in 1998, the property at issue, which is 16R Seymour Street, Berkley, MA 02779. I refinanced the mortgage on the property with Countrywide Home Loans, Inc. ("Countrywide") in 2005 for \$381,000.
4. The property has an assessed value of approximately \$499,000. (Exhibit 1)
5. I am employed full time as a rescue technician earning \$60,000.00 per year. (Exhibit 2)

6. I was notified by Countrywide on May 19, 2008 that I was in default on my mortgage. (Exhibit 3)

7. I fell behind on my mortgage due to the loss of income from my construction business. The downturn of the economy significantly impacted my business. Ultimately, I was unable to continue the business and have since switched fields and found new employment.

8. Those problems are now behind me, and I want to resume making payments on my mortgage. I can afford my home with a loan modification.

9. I have attempted to obtain a modification on multiple occasions. Despite providing all the requested documents, I have not received a modification offer.

10. As a result of the foreclosure, and uncertainty regarding my home, I have suffered physically and emotionally. I have constantly felt stressed, which includes physical symptoms such as restlessness and sleeplessness. I consistently believed that the bank would approve me for a modification, only to suffer the disappointment and anguish once denied. The situation has been tough on my family and myself, causing me to feel sadness, anger and frustration, while wanting to resume making payments.

I declare under penalty of perjury that the foregoing is true and correct based on personal knowledge.
Executed on March 23, 2015

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

David Paiva